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ABSTRACT

This participant workbook is designed for use in workshops on achieving sex equity in athletic programs through Title IX of the Education Amendments of 1972. It contains worksheets on: (1) assessing Title IX implementation in athletic programs; (2) basic guidelines for competitive athletics Title IX compliance; (3) athletics case examples; (4) athletics objectives for female and male students; (5) the film, "An Equal Chance through Title IX"; (6) athletic programs assessment inventory; (7) creating a student interest survey; and (8) designing a student survey form. Five case studies involving problems faced by coaches and athletic staffs are presented. Appendices outline requirements of Title IX as they pertain to athletics, and provide suggestions on solutions to the problems illustrated by the case studies. (JD)

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PARTICIPANT WORKBOOK

ATHLETICS: ACHIEVING SEX EQUITY THROUGH TITLE IX

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October, 1979

Adapted/Adopted
From materials prepared for the
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PREFACE

The Title IX/Sex Equity training model is designed to assist educational personnel and interested citizens in the implementation of Title IX of the Education Amendments of 1972 and the attainment of sex equity in education. The training model was utilized and tested in twenty regional workshops by the Council of Chief State School Officers' (CCSSO) Title IX Equity Workshops Project. This project was funded under contract 300-76-0456 with the Women's Program Staff, U.S. Office of Education.

The training model is designed for all persons who have the opportunity to work with any persons interested in Title IX. Workshop sessions are provided for the following groups.

- Administrators, Title IX coordinators, and school board members
- Instructional personnel
- Counseling and pupil services personnel
- Physical activities personnel (physical education and athletics staff)
- Community group members

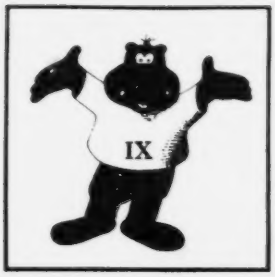
The session outlines and materials were originally developed by Martha Matthews and Shirley McCune. Martha Matthews' time was partially supported by funds provided by the Ford Foundation. Shirley McCune and Martha Matthews are co-editors of the training model.

Persons who have authored or contributed to other outlines and materials within the total package include: Linda Stebbins, Nancy Ames, and Illana Rhodes (Abt Associates, Cambridge, Mass.); Judy Cusick, Joyce Kaser, and Kent Boesdorfer (Resource Center on Sex Roles in Education, Washington, D.C.); Barb Landers (California State Department of Education, Sacramento, California); and Janice Birk (University of Maryland, College Park, Maryland).

Adaptations in the training materials for Colorado school districts were made by Dr. Martha Fair, Sex-Equity Project Director for the Colorado Department of Education, and Linda S. Doyle, Consultant. The art work and cover design were done by J. J. Jackson at the Colorado Department of Education. Annette Ryan typed the manuals, and Linda Doyle and Lynn Kelly edited the manuals.

October, 1979

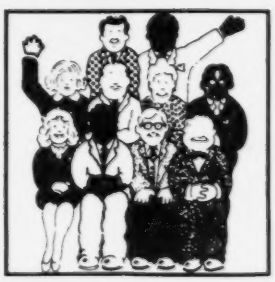
KEY TO DRAWINGS



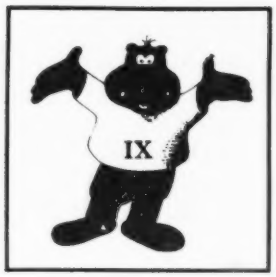
DRAWING 1: LECTURES OR INTRODUCTORY COMMENTS TO BE PRESENTED BY THE FACILITATOR. "Hip-O-Niner" is the Colorado Title IX/Sex Equity mascot.

DRAWING 2: INDIVIDUAL ACTIVITY

DRAWING 3: SMALL GROUP ACTIVITY OR DISCUSSION



DRAWING 4: LARGE GROUP ACTIVITY OR DISCUSSION



SESSION OBJECTIVES

The objectives for this session are:

To increase participants' understanding of the Title IX regulation and its specific implications for the policies, practices, and programs provided in athletics

To increase participants' skills in identifying discriminatory or biased situations and to develop appropriate corrective and remedial actions for overcoming such discrimination and bias

To provide participants an opportunity for examining their behaviors reflecting their philosophies of athletics programs as they relate to sex equity

To provide participants with an overview of the change process as it may be applied to attaining sex equity in athletics programs

To provide participants with positive images of sex equity in athletics programs

To provide participants with methods of assessing athletics programs and the need for change

To provide participants with multiple alternatives for modifying programs which can increase the quality of the program as well as the equity provided for students

To provide participants with an opportunity for developing the first steps of an action plan for use in their back-home situations

Participant
Worksheet 1

ASSESSING TITLE IX IMPLEMENTATION IN ATHLETICS PROGRAMS

1. What positive experiences have you had in attempting to comply with the provisions of the Title IX regulation?

2. What are the greatest barriers to the attainment of Title IX compliance and sex equity in athletics programming in your district?

3. What one issue concerning sex equity in athletics programming is in most critical need of attention?

Participant
Information
Sheet 2

BASIC GUIDELINES FOR COMPETITIVE ATHLETICS TITLE IX COMPLIANCE

1. Athletics programs may not be conducted on the basis of sex unless:

   The teams are involved in contact sports such as football, basketball, wrestling, ice hockey, or rugby. (NOTE: Other sports, whose purpose of major activity involves bodily contact, may be deemed contact sports but districts must apply to the Office of Civil Rights for permission to treat sports other than those listed as contact sports.)

   Selection for participation on the team is based on competitive skill.

2. Title IX permits but does not require schools to field separate teams for the exemptions listed in number 1 unless the operation of separate teams is necessary to satisfy the interest and abilities of both sexes.

3. If a school fields a team in a non-contact sport for one sex but not the other then members of the excluded sex must be allowed to try out for the team unless the overall athletic opportunities for the excluded sex have been greater than those opportunities for the sex which the team proposes to serve.

4. Title IX makes the following provisions for INTRAMURAL or CLUB activities:

   No student may be denied participation in contact or non-contact sports for which there is or is not a selection criteria based on skill if sufficient interest exists among members of the sex that would otherwise be excluded and if there are fewer opportunities for members of that sex to participate in sports at the level of competition in question.

   Teams in non-contact sports for which the criteria for participation is interest other than competitive skill may not be limited to members of one sex.

5. The Title IX regulation allows schools to conduct single teams (comprised of members of both sexes) only if competitive skill is a selection criteria and if the needs, interests, and abilities of both sexes are effectively accommodated by having only one team.

Should the overall effect of offering only one team mean that many interested members of one sex are excluded due to lack of sufficient skill, then the offering of one team would not be meeting the needs and abilities of both sexes.

6. Equal opportunity to participate in athletics must be provided to members of both sexes. While this does not require parity in fiscal support, there must be evidence that equitable services are provided in these and other areas:

   Effective accommodation of the interests and abilities of members of both sexes in sports and levels of competition offered (best validated through use of student, parent and faculty survey data compilation and interpretation);

   Equipment and supplies provided;

   Travel and per diem allowance provisions;

   Opportunities to receive coaching and academic tutoring;

   Access to locker rooms, practice and competitive facilities;

   Access to medical and training facilities and services;

   Access to housing and dining facilities and services; and

   Efforts to provide publicity

7. Eligibility standards, medical examination requirements, and other criteria for requisite skill (grade average, etc.) must be the same for members of both sexes.

8. Schedules (length and duration, not necessarily season) and supervision must be the same for teams of one sex if there is a like team of the other sex.

9. Opportunities to play before an audience must be comparable.

10. Teams may be coached by members of the opposite sex and districts must seek out the best qualified candidate to coach the team in question.

11. Athletic coaches must be assigned coaching and supervisory duties (other than locker room supervision) on the basis of their qualifications rather than their sex or the predominant sex of the students to be coached.

12. Athletic staff members may not be treated differentially on the basis of sex in hiring, job assignment or classification, compensation, or any other condition of employment.

13. Title IX regulations may not be superseded by adherence to other sports governance bodies (high school federations, leagues, recreation departments, local policy, etc.). Either the policies and practices which conflict must be changed or schools must withdraw from the conflicting governance body.

14. Title IX makes no requirements regarding the administrative structure of the athletic department(s) and staff. If, however, any changes are made to the area of after-school sports, these changes may not have an adverse effect on the employment or the job-grading of members of one sex.

15. Elementary schools should have been in full compliance with the regulatory requirements for nondiscrimination in intramurals, club sports and interscholastics by July 21, 1976. Secondary schools had until July 21, 1978.

16. If noncompliance with Title IX requirements for nondiscrimination is identified, two forms of action must be taken:

    Modifications must be made to correct any policies, procedures, or practices which have been found to discriminate; and

    Remedial steps must be taken to alleviate the effects of any discrimination identified.

Prepared by Kent Boesdorfer and Shirley McCune as included in Title IX Compliance in Physical Education and Athletics: A Workshop in Awareness and Diagnosis, Working Paper for a Trainin Information Workshop, Denver, Colorado, 1977.

Participant
Worksheet 3

ATHLETICS CASE EXAMPLES

Listed below you will find a number of case examples of situations which may occur in the day-to-day operation of physical activity programs. Please read through each one and answer the following questions:

> Does the case example demonstrate a violation of the Title IX regulation?
>
> If the case example does not demonstrate a violation of the Title IX regulation (sex-discrimination), would it be characterized as a sex-biased behavior? (Mark each case example with either D (discrimination), B (biased), F (fair), or A (affirmative)).
>
> If either of the conditions exist (sex-discrimination or sex-bias), what are some of the appropriate corrective and remedial steps which may be taken?

Athletics--Elementary School Case Examples

1. The Washington Carver Elementary School is going to have a field day. Events are planned for all boys and girls. Boys will do the 100-yard dash, the 440 run, the 880 relay and the tug 'o' war. The girls will do a 50-yard dash, a 440 relay, an oral message relay, and a three-legged race.

2. While coming home from the playground, you notice Mark, the captain of the losing team gently crying. A colleague you are with tells him to "stop cryng and act like a man".

3. Cheerleader try-outs for the Pop Warner football league are being held on your school grounds and sponsored by two of your teachers. After many days of spirited workouts, the squads selected are posted on the bulletin board. You, as the principal, notice that no boys or members of any of the minority races have made any of the squads even though many tried out and many male minority students are members of the football teams. What would you do?

4. The little league for boys baseball wants to use the school fields for practice and play. What should the principal do?

5. The YMCA wants to run a boys' soccer league on the school fields on Saturdays. What is the principal's decision?

6. Sally wins the 50-yard dash by outrunning all of her classmates. The teacher comments, "Why, you're just another Bruce Jenner."

Athletics--Secondary School Case Examples

1. Thirty-two girls want to come out for the varsity football team. The coach tells them that he's sorry, but they cannot.

2. The high school fields one golf team and effectively announces that it is open to all students. Twenty boys and sixteen girls try out. Eight boys make the team. No girls are selected.

3. Volleyball is one of the major sports for girls at Tulare High School. This fall six boys approached the coach and indicated that since they were better players than any of the girls on the existing team they should be the school's team. The coach, Mr. Bing, thanked them but related that the girls would continue to represent the school since boys currently had fourteen teams on which to compete in eight sports and the girls had only seven teams in five sports.

4. The sum of $10,000 a year is allocated to Kennedy High School for Athletics from the school board each year. The girls' athletic director is demanding that $5,000 be allocated to each of the athletic staffs--male and female.

5. League regulations allow the boys' varsity basketball team to play a total of 28 games per season (including holiday/invitational tournaments), while girls may play only 18. Championship playoffs are planned for the boys' team but not the girls'.

6. In an effort to expand the girls' athletic programs, the principal announces to all of the women physical educators that they must each coach a girls' team during the next term or be relieved of their teaching contract.

7. The student body president, in a budget hearing regarding the disbursement of student body funds, announces that when and if girls sports can draw a crowd, the student body will consider giving them funds as are currently awarded the boys' athletics teams.

8. The school paper has six reporters on its sports staff-five boys and one girl. The coverage of school sports reflects 80% for boys' teams and 20% for girls even though there are four boys' teams and four girls' teams currently in season.

9. Today the athletics staffs will vote on the male athlete of the year and the female athlete of the year.

10. Sally is an outstanding swimmer. She wants to compete with the boys' swimming team because there is no girls' swimming team. Even though she is the best diver in school, she is denied the right to compete on the boys' teams. Her parents want to know what they can do.

Prepared by Barbara Landers, State of California, Department of Education, 1977.

Participant
Worksheet 4

ATHLETICS OBJECTIVES FOR FEMALE AND MALE STUDENTS

Exercise A

Directions: Listed below are eight possible objectives for physical education and eight different objectives for athletic programs. Rank each item (A-H) from 1 to 8, with 1 being the most important. List other possible objectives on the following page but do not include them in your ranking exercise.

Physical Education OBJECTIVES-- For students to develop:	Ranking For P.E.	Ranking For Athletics	Athletics Program OBJECTIVES-- To provide for students
A. A positive sense of competition			A. Entertainment
B. Gracefulness and effective body management			B. Opportunities for the gifted
C. A high level of skill in many sports			C. Training for sports scholarship candidates
D. A sense of cooperation and responsibility			D. Sports services for the largest number of students possible
E. Social skills and recreational opportunities			E. A laboratory for positive character development
F. Optimal physical fitness levels of performance			F. Competitive experiences in a wide variety of sports
G. Varsity athletics calibre skills			G. Championship experiences in a limited number of sports
H. Positive values related to physical education concerns			H. An extension of the physical education instructional program

OTHERS: (Do Not Rank)

_____

_____

_____

OTHERS: (Do Not Rank)

_____

_____

_____

Directions for Scoring: Select a partner of the opposite sex and total the numbers given as a ranking for each of the objectives. Does this total, when taken in its numerical order (from least high to highest), change the ranked position of your objectives? To what do you attribue the existing discrepancies?

Exercise B

Working with a partner of the opposite sex, list the three top objectives one should have for "Student Athletics".

1. _____

2. _____

3. _____

Exercise C

Discuss with the group what must happen to reconcile the differences.

Participant
Worksheet 5

AN EQUAL CHANCE THROUGH TITLE IX

1. What assumptions seemed to be made about students in the film? (e.g. students naturally enjoy physical activity)

2. What assumptions seemed to be made about physical activity programs in the film? (e.g. physical education programs are very important to the development of self-image)

3. What assumptions did you see being made about similarities of male and female students in the film?

4. What assumptions did you see being made about differences between male and female students in the film?

5. How could the programs or the aspects of the programs depicted in this film be adapted and/or incorporated in your physical activity program?

6. What problems, if any, would you anticipate in implementing these programs?

Participant
Worksheet 6

ATHLETICS PROGRAMS ASSESSMENT INVENTORY

"WHAT IS" "WHAT CAN BE"

Responses to the implementation of a sex equitable athletics program can take a variety of forms. The district response may vary from ignoring the issues of sex bias and sex discrimination, to complying with the bare minimal requirements of Title IX (and other anti-discrimination legislation), to implementing a program of genuine sex equity.

The following instrument is designed to help you assess the level of response of your district to the issue of sex equity in athletics programs. By completing this instrument twice you can assess the current level of district response ("What Is") and also assess the response level that you would like to see--your estimation of "What Can Be".

The instrument is divided into four categories:

Title IX Procedural Requirements

Separate or Unitary Teams/Programs

Determination of Equal Opportunity

Coaching and Instruction

INSTRUCTIONS

Complete this instrument twice. The first time through, place an "X" on that portion of the continuum that best respresents your district's position right now. This perception should reflect your best estimation of "What Is". The second time through, place a "O" on that part of the continuum that represents where you would like to see your district regarding the issue. This second mark is your estimation of "What Can Be" in your district.

Adapted from: Enberg, Mary Lou. Tracking Equal Opportunity in Physical Education Recreations, Athletics. (Olympia, Washington: Washington Department of Public Instruction), 1977.

ASSESSMENT OF SEX EQUITY IN ATHLETIC PROGRAMS

	"What Is"		"What Can Be"
TITLE IX PROCEDURAL REQUIREMENTS			
1.	Make a statement of intent to comply wihtout a formal self evaluation	Conduct a paper self evaluation	Conduct a self evaluation to determine where inequities exist in athletics policies, programs, and practices
2.	Determine compliance or non-compliance by executive action	Establish a committee with responsibilities to determine compliance status but no power to effect changes except to make recommendations	Establish a committee which includes faculty, administration, students, parents, and community members, and has the power and responsiliby for analysis and formation of long range plans for equity in athletic programs and facilities
3.	Wait until complaints have been filed with the Office for Civil Rights before considering program changes	Wait until 1978 to make adjustments where obvious inequities exist	Systematically plan for and continually reassess athletic opportunities and priorities to match student interest, and abilities with sound educational philosophy
4.	Establish athletic programming by arbitrarily deciding what is good for students and what the community will support	Administer but ineffectively utilize student athletic interest surveys	Administer and use student athletic surveys to determine options and levels of athletic programming

SEPARATE OR UNITARY TEAMS/PROGRAMS

5. Leave athletic program at current level, because of budgetary problems, leaving four sports for males, and no sports for females	Establish a token female athletic program by offering a minor sport to females (e.g. cross country) while continuing to offer major male sports (e.g. football and basketball)	Encourage males and females to develop their skills through sports available to them (based on their stated interests and abilities) with the goal of providing equal athletic opportunity for all students
6. Decide the direction and scope of the athletic program at the Board of Education level	Represent the interests of females through decisionmaking bodies which are traditionally male	Ensure that female coaches and coaches of female teams are involved in program decisionmaking

DETERMINATION OF EQUAL OPPORTUNITY

7. Provide only an interscholastic athletic program serving small numbers of students most of whom are physically gifted males	Provide a limited intramural program that accommodates only those students who are preparing to participate on interscholastic athletic teams	Operate an intramural program with the goal of total student involvement, emphasizing interest, rather than sex or skill level as the criterion for participation
8. Make no provisions for female teams' uniforms and equipment	Assign used equipment and uniforms to female teams	Attempt to equalize quality of uniforms and equipment for single sex and unitary teams
9. Provide insufficient or no facilities and practice times for female teams	Schedule use of facilities for female teams during inconvenient hours	Establish a time rotation cycle of facilities use with equal access to most convenient hours by male and female teams
10. Provide travel allowances and tournament per diems only to those teams which are self supporting	Allow travel allowances for one female tournament team per year and no per diems	Provide full travel allowances and equal per diems for all tournament teams and athletes

11. Refuse to assign a coach in response to females who want to form a team (e.g.volleyball) based on student interest	Provide one coach (women) for three female teams, two of which run concurrently (e.g. volleyball and basketball)	Establish a desirable coach/athlete ratio; and then monitor all athletic teams to maintain that ratio (e.g. one coach per 8 athletes)
12. Continue the present arrangements for access to training facilities with those being available to males	Recognize that Title IX mandates access to training facilities and institute policy that allows for female athletes to have limited access to some of the training facilities	Institute a policy whereby there is equal access to training facilities by all ahtletes during their practice and free school time.
13. Provide information to the media about major sports (i.e. male football and basketball)	Provide answers to reporters' questions and call in game scores to the media	Prepare and distribute equal materials to the media for all athletic events and suggest extra coverage of the new sports being offered
14. Provide an extra-curricular club for male varsity athletes complete with advisor and awards banquet with no equivalent activity for female athletes	Sponsor a varsity club for all varsity athletes but with a male advisor, majority of male members; discouraging females from active participation	Require that the athletic club (for all athletes) have a male/female advisor team, and strive to have the achievements of all athletes recognized and rewarded
COACHING AND INSTRUCTION		
15. Allow the continuation of coaching patterns of males coaching males, and females coaching females	Review coaching assignments and assign coaches on the basis of qualifications rather than on the basis of sex	Review or develop team teaching skills so that integrated coaching assignments are an expected method of operation
16. Continue the past practice of paying coaches of female teams (primarily females) less than coaches of male teams (primarily males)	Establish supplementary salary schedules that result in coaches of male teams result in coaches of male teams (primarily male) receiving larger stipends than coaches of female teams (primarily females) based on "time put in"	Establish supplementary salary schedules that establish comparable time and effort parameters for comparable male and female teams, thus resulting in comparable pay for all coaches

Participant
Worksheet 7

CREATING A STUDENT INTEREST SURVEY

One of the basic implications of the Title IX regulation is that sports and athletic programs must effectively accommodate the interests and abilities of all students. This standard necessitates the development/application of data collection procedures. One of the primary methods for determining the interests of students would be to conduct a survey of student interests.

Please take a minute to think about how a student interest survey should be designed and answer the following questions.

1. What types of information should be included in a student survey?

2. What do you believe would be the outcome of a student survey conducted in your schools?

3. What procedures should be used for its distribution?

4. How frequently should student interest surveys be conducted?

Participant
Worksheet 8

DESIGNING A STUDENT SURVEY FORM

The Title IX requirement that the sports and athletics programs must effectively accommodate the interests and abilities of all students suggests the need for conducting periodic surveys of student interests. Physical activity personnel need to consider what should be included in a student survey, the procedures to be used for its distribution, the frequency of student interest surveys, and the ways that the information obtained may be integrated into existing programs.

A student survey form should ensure inclusion of the following types of information:

Identifying information: the name, grade level, and sex of the student

Explanatory information: the purpose of the survey and how the information will be used

A system of ranking or rating specific sports activities: a listing of sports which students may rank or rate

Opportunity for suggesting other sports alternatives: space for listing possible interests that are not included in the listing should be provided

Opportunity for comments: general questions regarding attitudes or other suggestions for sports programs would be desirable

The procedures which are followed in the distribution of student surveys may influence the outcomes. It usually is wise to ensure distribution to every student at a time when students can provide their individual responses without undue peer group pressure.

Student surveys should be conducted periodically as a means of identifying current needs and the changing patterns of student interest. Determination of the frequency of student surveys should be based on the frequency of significant composition of the student body, the number of times that athletic programs are designed, and the feasibility of survey efforts. Completion of surveys at least on a yearly basis could ensure the timelines of data being used for program planning.

SAMPLE STUDENT ATHLETIC INTEREST FORM

The purpose of this survey is to assure that the total athletic program ensures both males and females an equal opportunity to compete in athletics in a meaningful way.

The degree of student interest or the lack of interest in athletic activities will be used to determine what sports will be offered by the district. Every effort will be made to satisfy student's requests based on the interests recorded in this survey. In an effort to gain Title IX compliance, data will be gathered and tallied to assist in planning athletic offerings for males and females for the coming school year.

Please answer each section carefully. Be sure that you indicate in rank order the different sports that either you prefer to play or that you feel would satisfy your interests and abilities. One = 1, the highest rank.

SCHOOL _____

GRADE _____ DATE_____

MALE _____ FEMALE _____

I. Athletic offerings that I have played and will continue to play: (Rank Order 1-20; 1 is the highest rank; 20 is the lowest rank.)

_____Tennis	_____Volleyball
_____Golf	_____Bowling
_____Football	_____Swimming
_____Basketball	_____Field Hockey
_____Baseball	_____Fencing
_____Softball	_____Soccer
_____Track and	_____Archery
Field Events	_____Boxing
_____Cross Country	_____Others: _____
_____Wrestling	_____ _____
_____Gymnastics	

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Comments: _____

_____

II. Athletic offerings that I would like to play: (Rank Order 1-20; 1 is the highest rank; 20 is the lowest.)

_____Tennis	_____Volleyball
_____Golf	_____Bowling
_____Football	_____Swimming
_____Basketball	_____Field Hockey
_____Baseball	_____Fencing
_____Softball	_____Soccer
_____Track and	_____Archery
Field Events	_____Boxing
_____Cross Country	_____Others: _____
_____Wrestling	_____ _____
_____Gymnastics	

Comments: _____

_____

III. The ten top athletic offerings in which I am most interested:

1. _____	6. _____
2. _____	7. _____
3. _____	8. _____
4. _____	9. _____
5. _____	10. _____

What do you like most about the sports program in your school?

How do you think the program could be improved?

Participant
Worksheet 9

COACH JAMES CASE: BRIEFING SHEET

Coach Pat James, athletic director of Hilltop schools, has had six years of experience in Hilltop and is known as a fair, effective administrator and excellent coach. James is committed to improving Hilltop's athletic program and has been particularly interested in expanding the scope of the program to accommodate more students.

During the past five years, and particularly since 1975, several members of the physical education and coaching staff have observed the passage of Title IX, the development of the regulation, and have taken a variety of actions to implement Title IX. They are pleased with the progress that has been made toward Title IX compliance, but are also concerned about the problems which are still evident.

A collection of the memos and letters relating to Title IX which have come to Coach James' desk during the past six months is provided in the following pages. Read each of them carefully, then determine the actions which should be taken to deal with the problem.

You will be asked to discuss your responses in a small group and come up with a group answer to the questions on the worksheets which are provided. Copies of the worksheet will be available for your individual use.

Participant
Worksheet 10

COACH JAMES CASE: ROBERT WELSH

TO: Pat James, Athletic Director

FROM: Robert Welsh, Esquire

RE: Examination of possible sex discrimination in the contract between Hilltop District Schools and Hilltop teachers

At the request of Dr. Norris I have reviewed the terms of the contract between Hilltop District Schools and Hilltop Teachers Association in an effort to identify any provisions which may be discriminatory. One clause that will be of interest to you may be discriminatory.

> Section H - Salary Increments; Clause 4 - Increments for Athletics Personnel
>
> The contract states that coaches of male teams are eligible for 5 1/2% increment for the 77-78 year and that coaches of female teams are eligible for a 4 1/2% increment during the same period of time.

I would like to discuss this with you in greater detail in the near future.

Bob

Bob

cc: Superintendent Norris

COACH JAMES CASE: ANALYSIS SHEET

Robert Welsh

1. What are the Title IX implications for the problem to be addressed?

2. What further information is needed to facilitate action or decision making?

3. What specific alternatives are available for problem resolution?

4. What alternative(s) would you select and why?

COACH JAMES CASE: ANN BROSH, ET AL

Pat James: Athletic Director
Hilltop District Schools
400 Maple Lane
Hilltop, Arizona 10000

We are eighth graders in Pinewood Junior High School. We are writing to complain about the sports programs offered to girls.

Pinewood has girls' interscholastic teams in basketball, field hockey, tennis and gymnastics, but we don't have track, swimming, or basketball, even though the boys do. We don't think this is fair.

We have talked to Mr. Neets, head coach at Pinewood about this, and he said he is sorry but there is nothing he can do. He suggested that we write you. We think that the school must permit girls to compete in these sports. We have talked to our parents and they agree.

Sincerely,

Ann Brosh

Ann Brosh

Benessa Jackson

Benessa Jackson

Karen Pickering

Karen Pickering

Elma Carpenter

Elma Carpenter

COACH JAMES CASE: ANALYSIS SHEET

Ann Brosh, et al

After reading the item which Coach James found in the in-basket, consider the following questions:

1. What are the Title IX implications for the problem to be addressed?

2. What further information is needed to facilitate action or decision making?

3. What specific alternatives are available for problem resolution?

4. What alternative(s) would you select and why?

Participant
Worksheet 12

COACH JAMES CASE: JEFFERY EVANS

TO: Coach James

FROM: Jeffery Evans

RE: Coaching Assignments

The coaching assignments have come to my attention for the Winter team sports and I feel that I must register this complaint. As the coach for Hilltop High's girls' basketball team, I have 37 girls out for this team, and after cuts can carry 30 of them on a varsity squad and a junior varsity squad. As I'm sure you're aware the amount of supervision and skills teaching in a two year old program is immense, and I'm swamped.

Now I find out that Ross Mathison has been assigned to an assistant varsity position in the boys' varsity basketball program. After cuts the boys' varsity program has 12 athletes, with two coaches and a student trainer, while I'm expected to handle the varsity and jr. varsity program of 30 girls all by myself. The girls are getting short-changed.

I want to help, either from a reassignment from Ross or somebody else. Is there anything you can do about this?

Jeffery Evans

COACH JAMES CASE: ANALYSIS SHEET

Jeffery Evans

After reading the item which Coach James found in the in-basket, consider the following questions:

1. What are the Title IX implications for the problem to be addressed?

2. What further information is needed to facilitate action or decision making?

3. What specific alternatives are available for problem resolution?

4. What alternative(s) would you select and why?

Participant
Worksheet 13

COACH JAMES CASE: JACK RAMSEY

Pat James: Athletic Director
Hilltop District Schools
400 Maple Lane
Hilltop, Arizona 10000

Dear Coach,

This letter is to inform you that the Hilltop Athletic Boosters Club's Annual Chili Supper was a great success. We made over $1,400.00 thanks to the generosity and hard work of our members. We have a proposal for the expenditure part of those proceeds. We are mighty proud of the way the Eagles won the Treeline conference in football last fall and in talking to Coach Hutchison we have found that the football team could use an additional weight-lifting machine. I had Bernie Jackson do some checking and he tells me that a six station universal gym can be purchased for $1,295.00, that would fall within our range and we would like your permission to go ahead with the purchase.

We have just two concerns regarding this matter. First, will there be sufficient space in the training room for this additional piece of equipment? Second, with the school now offering athletic teams for young ladies, will they want to use this equipment? We're buying it for the football team and besides girls might hurt themselves on it or get all muscle bound. We wouldn't want that to happen. On the condition that this machine would be reserved for football players we will proceed immediately.

I look forward to hearing your acceptance of our gift.

Sincerely,

Jack R. Ramsey

COACH JAMES CASE: ANALYSIS SHEET

Jack Ramsey

After reading the item which Coach James found in the in-basket, consider the following questions:

1. What are the Title IX implications for the problem to be addressed?

2. What further information is needed to facilitate action or decision making?

3. What specific alternatives are available for problem resolution?

4. What alternative(s) would you select and why?

Participant
Worksheet 14

MY ACTION PLAN

1. Write down two objectives for implementing Title IX and attaining sex equity in physical activity programming which you would like to see accomplished. One should be within your own individual sphere of responsibility; the other should be directed toward achieving sex equity within one of your organizational levels (e.g., department, school, community, professional organization).

   A. Within my classroom/team I would _____

   _____

   B. Within my department/school/community/professional association I would _____

   _____

2. Of the two objectives, which would you most like to accomplish at this time? _____

   _____

3. What are the major barriers that you will encounter in working toward accomplishing your objective?

   A. _____

   B. _____

   C. _____

4. What supports will you have in working toward accomplishing your objective?

   A. _____

   B. _____

   C. _____

5. After this analysis, do you still feel that attaining this objective is possible? If so, move ahead with developing your plan. If not, go back and select your other objective.

6. What resources do you need for achieving your objective?

   A. Knowledge/Skills: _____

   _____

   B. Money: _____

   _____

   C. People: _____

   _____

7. List specific action steps you need to take to achieve your objective. Include who has the responsibility for taking the step and the date by which it should be completed. Write those in chronological order.

	Action Step	Person Responsible	Date
A.	_____	_____	_____
B.	_____	_____	_____
C.	_____	_____	_____

8. How will you evaluate your action plan and at what point will you do so? _____

   _____

9. How will you let others know about your action plan and its outcomes? _____

   _____

Participant
Information
Sheet 15

SUGGESTIONS FOR ACTION STEPS

The following action ideas are suggestions which may stimulate your thinking as you complete your action plans. Suggestions are provided for actions you can suggest to support sex equity in your department/school, your school district, your community, and your professional associations.

DEPARTMENT/SCHOOL LEVEL

Make sure that your department members are knowledgeable about the requirements and options of the Title IX regulation, and the goals and objectives of your departmental implementation plan for providing sex equity in physical activity programming.

Determine whether or not your department knows the extent to which sex bias and discrimination exist in your instructional/coaching area. If not, you can work with colleagues to make this determination. If you already know, use this information to develop goals and objectives for its elimination.

If your department has progressed further than some physical activity departments in the system, offer to share some of your resources to assist others in moving ahead. If your department hasn't progressed as far as others, seek out those you think can help and ask for their assistance.

Develop procedures to ensure that students that choose non-traditional areas within your department receive whatever support they need to experience success.

If your physical education and/or athletics department is being merged from "Male and Female" to "Student", monitor the transition to see that sex discrimination and bias are not involved in the merger.

SCHOOL DISTRICT LEVEL

Make sure your district has met the basic procedural requirements of Title IX: enacting a policy of non-discrimination on the basis of sex, appointing a Title IX coordinator, establishing a grievance procedure, and disseminating this information to staff and students. Your district should have also conducted a self-evaluation

to determine the extent to which it is in compliance with Title IX.

Make suggestions to the appropriate persons regarding possible policy and program modifications that would achieve sex equity in physical activity programming.

If you have expertise in the area of eliminating sex discrimination and bias in physical activity programs, offer your services to the district and your colleagues. If, on the other hand, you need some assistance in the area, seek out others on the staff who may have such expertise or ask your administration for assistance.

Make sure that someone knowledgeable about sex equity in physical activity programs is represented on all school committees.

COMMUNITY LEVEL

Make sure that the administration has informed the community of its plans and rationale for changing physical activity programming.

To the extent necessary, prepare students for any difficulties they might encounter in picking a non-traditional athletic or activity option.

Work with your counseling department to inform parents of students of the rationale for changing physical activity programs.

Work with supportive community groups (i.e., Booster Clubs) to ensure their continued support of physical activities without regard to the sex makeup of team/activity.

Hold an open house with students working in sex-integrated activities so that parents can observe how that is accomplished.

STATE/REGIONAL/NATIONAL ASSOCIATIONS

Examine the constitution and operational guidelines for evidence of sex discrimination, and if discovered, propose steps to eliminate such discrimination.

Determine whether leadership positions within your association are held by both female and male members. If not, work within the organization to bring about a more equitable sharing of power.

APPENDICES

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APPENDIX A

REQUIREMENTS OF THE LAW TITLE IX AND ATHLETICS

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
§ 86.41 cont. ATHLETICS	• Interscholastic sports, intramurals, and/or club sports shall be provided equitably to members of both sexes in accordance with their needs, interests, and abilities.	• Review past and existing programs, policies, procedures and gather baseline data. • Survey students, parents, administration, and staff to determine needs, interests, abilities, and feasibility for sports program decisions. • Establish sports program offerings in accordance with decisions made in response to baseline data analysis and survey results.
	• Separate teams may be provided if selection for the team(s) in question is based on competitive skill or if the activity involved is a contact sport.	• Establish tryout prerequisities in keeping with nondiscrimination requirements of the Title IX regulation.
	• If a school offers a team for one sex but does not offer a team for the other sex in the same sport, members of the excluded sex must be allowed to try out unless overall athletic opportunities have not been limited in the past or the activity is a contact sport.	• Periodically review the process, policy(ies), and procedures used in establishing the sports program offerings.
	• Equal opportunities in interscholastic, intramural, and/or club sports for members of both sexes must be provided. Determining equality of opportunity will require answers to these or similar questions:	
	1. Do the sports program offerings effectively accommodate the interests and abilities of members of both sexes?	• Have evidence of student interests and levels of ability on hand (surveys, past participation statistics, etc.).
	2. Are the equipment and supplies provided for athletic teams adequate for their needs and suitable for the services needed?	• Work toward offering comparable levels of competitive teams in like sports. • Have evidence of purchasing policy(ies) and procedures used by the coaches to equip and supply teams they lead.

REQUIREMENTS OF THE LAW
TITLE IX AND ATHLETICS

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
§ 86.41 cont. ATHLETICS		• Review the various services provided to ensure that they are equal (example: whirlpool and tape for male teams? Then whirlpool and tape for females; etc.). • Maintain inventories of equipment and supplies used by each team.
	3. Do schedules of games and practice sessions reveal that equal opportunity for the number of contests exists in like sports, students all have opportunities to play before an audience, and that "prime time" and adequate/best facilities are shared for practice sessions and contests?	• Review schedules with emphasis on those sports for which separate but equal teams are provided. Guarantee that in like sports all scheduling for practice and games is equitable. • Make corrective steps, if needed, as far as possible, but by July 21, 1978 without fail (secondary, 7-12). Indicate why delays are necessary and have on file as part of the district plan made as a result of the self-evaluation process.
	4. Are travel arrangements and per diem allowance similar and adequate?	• Realize that parity of spending is not required by the Title IX regulation, but that equal services are. Therefore, if transportation is provided to some teams, the service should be provided for all. • Review and establish equal policy regarding travel and per diem provided players and coaches.
	5. Are the coaches of comparable skill?	• Make every effort to find the best qualified coach for each and every team. Avoid discriminatory behavior by providing highly-skilled coaches for teams of one sex and inexperienced ones for the other sex.

REQUIREMENTS OF THE LAW
TITLE IX AND ATHLETICS

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
§ 86.41 cont. ATHLETICS	6. Do coaches receive comparable assignments and compensation?	• Review salary scales for afterschool activities. Create justifiable, equitable formulas which guarantee equal pay for equal or comparable work. • Eliminate any policy which allows members of one sex to accrue more stipends and thus a higher gross than members of the other sex. • Review policy(ies) regarding released time from instructional or administrative duties. Equate opportunities for released time for female and male staff who qualify. • Maintain records of what funds are paid to whom for what services as related to athletics and afterschool sports activities
	7. Are the locker rooms, practice, and competitive facilities provided on an equitable base?	• Schedule teams in like sports to use the same or comparable facility for practice and competition. • Eliminate titles such as "girls' gym" and "boys' gym." • Place sports practices and games in the best suited facility. • Eliminate obvious discrimination features of facilities with all possible dispatch. File the timelines for needed renovations in the district compliance statement.
	8. Are the training and medical services provided equitably to all teams?	• Review the access that students of each sex involved in athletics have to medical and training services.

REQUIREMENTS OF THE LAW
TITLE IX AND ATHLETICS

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
§ 86.41 ATHLETICS		• Eliminate discriminating practices by ensuring that insurance coverage provided by the school is equitable in like sports, medical examination process the same for all athletes, and that training services and supplies are provided adequately to male and female athletic teams. • Review the training process made available for student trainers. If members of one sex are sent to inservice training provided by commercial enterprise, plan to send members of the other sex so the level of expertise is similar for all student trainers. • Realize that if a professional adult trainer is employed by the school, policy and practice must be set so that each and all athletes are treated equitably, should the need arise.
	9. Are housing and dining services and facilities equitable?	• Realize that most schools (grade K-12) do not have housing and dining services provided on a regular basis. • Review the policy and practice followed regarding food and lodging for away games and playoffs Make sure no discriminatory practices of differential treatment on the basis of sex exist. Correct all that do.
	10. Would review of efforts to publicize all athletics reveal equitable treatment of boys' and girls' teams?	• Review student publications to determine what treatment has been given both boys' and girls' athletics. • Provide information and training to student body groups as to the necessity for equitable treatment of all school teams. • Review local media coverage. Equal coverage is required.

REQUIREMENTS OF THE LAW
TITLE IX AND ATHLETICS

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
§ 86.41 cont. ATHLETICS		• Review the pep rallies conducted in the past and scheduled for the future. Make sure that rallies are scheduled for both girls' and boys' teams. • Keep records of the pep rallies, cheerleader services, pep band performances, etc. and be able to demonstrate that both girls' and boys' teams receive equal opportunity for support and prestigious recognition/publicity.
	• Realize that aggregate expenditures need not reflect parity, but that the kinds of services provided teams should be equitable.	• Maintain records of policies, practices, and procedures used in financing all after-school sports. • Balance budget where needed in order to provide equitable supplies, services, and support.
	• All athletic programs must comply with the Title IX regulations by July 21, 1976 (grades K-6), and by July 21, 1978 (grades 7-12).	• Assess the current status of all athletic programs in § 86.3 and plan the changes necessary. • Implement the plan. • Maintain a record of the projected timetable for change and the steps taken to accomplish the needed modifications.
§ 86.6 EFFECT OF OTHER REQUIREMENTS	• No league, section, or state regulations may supersede the Title IX regulations unless they are more stringent. League, district (region/section), or state regulations governing athletic eligibility for participation in programs may not be in conflict with the Title IX regulation.	• Review all athletic rules and bylaws to which the school subscribes. • Eliminate all areas of conflict and make equal opportunities for each and every student to participate in athletic programs.

REQUIREMENTS OF THE LAW
TITLE IX AND ATHLETICS

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
§ 86.6 EFFECTS OF OTHER REQUIREMENTS		• Realize that critical areas of concern will include: numbers of teams and sports to be offered, numbers of allowable contests and lengths of seasons, play offs and processes for establishing champions, awards and recognitions to be provided, requisites for eligibility, and representation on governance bodies. • Eliminate all existing discriminations and take action to overcome past discriminatory practices by providing affirmative action opportunities, involving women in the governance process, and making inservice training opportunities available in order to develop leadership/coaching skills in parties (male and female) interested in furthering the sports programs for the sex which has been denied opportunities in the past.

REQUIREMENTS OF THE LAW
TITLE IX AND ATHLETICS - Ancillary Concerns

PERTINENT SECION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
§ 86.37 (b) EDUCATIONAL PROGRAMS AND ACTIVITIES	• Awards and recognition bestowed for performance in athletics must be the same for boys and girls.	• Review award and recognition practices and make them comparable.
	• Activities and clubs related to intramurals, club sports, and athletics such as letter-person's clubs, athletic associations, or intramural clubs may <u>not</u> be offered on a single-sex basis.	• Review clubs related to sports. Merge when necessary by reidentifying the purposes, policies, and practices to be provided by the clubs and/or associations. Establish criteria (which are the same for boys and girls) for entry to honors groups. • Move from GAA's (Girls' Activities Association) to SAA's (Student Activities Association).
	• Rules of behavior, standards of compliance, and penalties for violations must be the same for students in like sports.	• Have coaches of all like teams (basketball, swimming, tennis, etc.) meet and agree on standards of behavior to be expected of students on boys' and girls' teams, establish parameters for enforcement of these standards, and appeal processes to be followed.
	• Rules related to training requirements, grade point maintenance, and appearance must be the same for students in like sports.	• Consider establishing departmentwide policies which are uniform or allowing each coach to be autonomous in regard to these areas. Should the autonomous decision be reached, then coaches of like sports would still need to arrive at a consensus or agreeable compromise which could be applied equitably to all boys and girls participating in the teams of like sports.
	• Support groups such as cheerleaders, song leaders, drill teams, and pep squads must be open to enrollment from members of both sexes.	• Review criteria for current selection process. • Modify as needed in order to encourage and allow membership on the part of the sex which has previously been excluded from trying out.

REQUIREMENTS OF THE LAW
TITLE IX AND ATHLETICS - Ancillary Concerns

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
§ 86.31 (cont.) EDUCATIONAL PROGRAMS AND ACTIVITIES		• Provide positive counseling for students regarding the open enrollment policy. • Maintain records of the students who tried out for sports and those who were selected. • Review the outcomes of the process and revise as needed in order to overcome past/existing discriminations.
§ 86.40 MARITAL OR PARENTAL STATUS	• Students who are pregnant, recovering from childbirth or termination of pregnancy cannot be denied access to educational programs (which includes athletics). No special physician's permission can be required unless required of all students who are returning from a temporary impairment.	• Review existing policies/standards related to pregnant students and athletics. • Revise as needed. • Review the overall requirements for re-entry to afterschool programs following a temporary impairment and modify so as to be consistent with the Title IX regulation.
§ 86.51 EMPLOYMENT	(Refer to physical education - ancillary concerns charts 5 - 8) • Overall staffing patterns should not reflect adversely on one sex. • Based on a clarification memorandum published by HEW in September 1976, administrative posts related to athletics should not reflect an adverse effect on members of one sex. Therefore, the hiring of athletic directors should be based on equitable criteria which, when applied, will ensure the hiring of qualified administrators representative of both sexes.	(Refer to physical education - ancillary concerns charts 5-8) • Resist hiring only members of one sex. Attempt to meet the program needs by seeking qualified candidates of both sexes. • Review the outcomes of current staffing policies. Modify or design a program of affirmative action to overcome any discriminatory practices which may exist. • Consider using codirectors or having separate athletic directors at least during the adjustment period (1975-78) so that both departments have equitable input during the critical time of coming into compliance.

REQUIREMENTS OF THE LAW
TITLE IX AND ATHLETICS - Ancillary Concerns

PERTINENT SECTIONS OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
§ 86.54 COMPENSATION	• Districts must pay equal wages for equal or comparable work.	• Conduct a time study to determine an average number of hours spent in conducting afterschool sports programs. • Formulate nondiscriminatory criteria to be considered for afterschool compensation stipends. • Construct a salary scale for all afterschool functions. • Review the internal consistency of wage scales. • Apply equitably to all employees in light of their responsibilities.
§ 86.66	• Only locker/bathroom attendants may be hired based on sex. • All coaching positions must be open to candidates from either sex and (86.41) the best qualified must be hired.	• Review existing job descriptions and remove sexist qualifications such as "must be personally responsible for locker room discipline," etc. • Advertise and hire in accordance with Title IX mandates and establish separate locker room supervisory duty assignments should a member of the opposite sex be hired to coach an all-girl team or vice versa.

APPENDIX

B

SAMPLE QUESTIONS AND ANSWERS RELATED TO TITLE IX: IMPLEMENTATION IN ATHLETICS

I. QUESTION: Are sex-segregated offerings permitted in interscholastic and intramural athletics?

ANSWER: The general requirements of the Rules and Regulations for Title IX of the Education Amendments of 1972 governing athletics prohibits exclusion on the basis of sex from participation in interscholastic and intramural athletics.

REFERENCE: Federal Register; Section 86.41 (a), June 4, 1975.

II. QUESTION: Can separate teams be maintained?

ANSWER: A school district may operate or sponsor separate teams for members of each sex where:

A. selection of team members is based on competitive skill,

B. the activity involved is a contact sport,

C. opportunities for the other sex are not limited.

REFERENCE: Federal Register; Section 86.41 (b), June 4, 1975.

III. QUESTION: If opportunities for members of one sex are limited, must the excluded sex be allowed to try out for the team activity offered?

ANSWER: Yes, unless the sport involved is a contact sport.

REFERENCE: Federal Register; Section 86.41 (b), June 4, 1975.

IV. QUESTION: What is considered to be a contact sport?

ANSWER: Boxing, wrestling, rugby, ice hockey, football, basketball, and other sports where the purpose or major activity involves bodily contact.

REFERENCE: Federal Register; Section 86.41 (b), June 4, 1975.

V. QUESTION: Can a school district operate or sponsor a team in a non-contact sport for members of one and not for the other sex?

ANSWER: A school district may operate or sponsor a non-contact sport for one sex if equal opportunity has been achieved for both sexes.

Equal opportunity is where reasonable equality has been achieved in:

A. the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes,

B. the equipment and supplies provided,

C. the scheduling of games and practice times,

D. travel and per diem allowances,

E. opportunity to receive coaching and academic tutoring,

F. assignments and compensation of coaches and tutors,

G. the provision of locker rooms, practice and competitive facilities,

H. the provision of medical and training facilities and service,

I. the provision of housing and dining facilities and service,

J. publicity

REFERENCE: Federal Register; Section 86.41 (c), June 4, 1975.

VI. QUESTION: Can a school district operate or sponsor single sex teams in non-contact sports when team member selection is based strictly on the interest of students and not the competitive skills of athletics: (Usually intramural teams).

ANSWER: Membership of non-contact sports teams may not be limited to one sex.

REFERENCE: Federal Register; Section 86.41 (b), June 4, 1975, Interpretation Number 75, page 24134.

VII. QUESTION: Can a school district operate or sponsor a single sex team when team member selection is based strictly on the competitive skill of the athletes?

ANSWER: Membership on non-contact sports teams may not be limited to one sex when team member selection is based strictly on competitive skill unless comparable opportunities to participate are provided members of the other sex.

REFERENCE: Federal Register; Section 86.41 (b), June 4, 1975; Interpretation Number 75, page 24134.

VIII. QUESTION: Does unequal aggregate expenditures for male and female teams, if a school district operates separate teams, constitute noncompliance?

ANSWER: Equal expenditures for male and female teams, if a school district operates separate teams, is not a requirement;

however, failure to provide necessary funds for teams of one sex would cause the school district to be in noncompliance.

REFERENCE: Federal Register; Section 86.41 (c), June 4, 1975.

IX. QUESTION: Are school districts, state educational agencies, and the state athletic associations expected to implement the rules and regulations for Title IX of the Education Amendments of 1972?

ANSWER: The obligations to comply with the rules and regulations of Title IX of the Education Amendments of 1972 is not removed or lessened by state or local law or by any rule or regulation of any organization, club, athletic league, or athletic association which would rule on a student's eligibility to participate or limit a student's eligibility to participate on the basis of sex, in any education program or activity. Therefore, all school districts, state educational agencies, and athletic associations must comply.

REFERENCE: Federal Register; Section 86.6 (a) (b) (c), June 4, 1975.

X. QUESTION: What impact does the Yellow Springs Exempted Village School District Board of Education vs. Ohio High School Athletic Association and Other Defendants, commonly known as the "Rubin Decision", have on Colorado School Districts, the State of Colorado High School Athletic Association?

ANSWER: The case was decided in the United States District Court for the Southern District of Ohio, Western Division; therefore, the decision has no direct impact on Colorado. The case established a precedent and would undoubtedly be taken into account in deciding any similar case filed in Colorado.

The activity which forged the dispute that resulted in the "Rubin Decision" occurred in 1974. Two female students, who were enrolled in a school within the Yellow Springs Board of Education's jurisdiction, competed for and were awarded positions on the school's interscholastic basketball team. Because of their sex, the Board excluded them from the team and, instead, created a separate girls' basketball team on which they could participate.

By doing so, the Board of Education complied with an Ohio High School Athletic Association Rule, which prohibited mixed gender interscholastic athletic competition in contact sports, such as basketball. By allowing female participation in such an activity, it would place in jeopardy the school's membership in the Association and would exclude the basketball team from interscholastic competition.

In his opinion, Judge Rubin addressed three questions.

a. Are the State defendants proper parties?

b. Is State action present?

c. Have the State defendants and the Association violated the Fourteenth Amendment of the United States Constitution?

The State defendants named were the Ohio Department of Education, Franklin B. Walter, Superintendent of Public Instruction, Ohio Department of Education, and the Ohio Board of Education. It was ruled that the State officials are the proper parties to a suit alleging failure to end unconstitutional conduct of subordinates where such conduct was known to them and which they had a duty to prevent.

The ruling on the second question stated that the conduct of the defendant, the Ohio High School Athletic Association, constituted State action where constitutional violations are charged.

The ruling on the third question stated that the Association rule which prohibits mixed gender interscholastic athletic competition in contact sports deprives qualified girls of liberty without due process of law.

It was also ruled that subsection (b) of section 86.41 of the Title IX Rules and Regulations deprives physically qualified girls of liberty without due process of law and is, therefore, in violation of the Fourteenth Amendment of the United States Constitution.

XI. QUESTION: What is the present status of the case?

ANSWER: The case is being appealed.

XII. QUESTION: How does the case affect the position of the Colorado Department of Education on subsection (b) of Section 86.41 of the Title IX Rules and Regulations?

ANSWER: Rules and Regulations duly approved have the force of law. The Colorado Department of Education strongly advises all school districts to observe subsection (b) of Section 86.41 of the Title IX Rules and Regulations.

*Prepared by Dr. Martha H. Fair, Title IX-Sex Equity Supervisor and Mr. Roy G. Brubacher, Assistant Commissioner, Office of Field Services, Colorado Department of Education, July, 1978

APPENDIX

C

SUGGESTED ANSWERS TO ATHLETICS CASE EXAMPLES

The following answers are provided for use with case examples. These answers respond to these questions:

> Does the case example demonstrate a violation of the Title IX regulation?
>
> If the case example does not demonstate a violation of the Title IX regulation (sex-discrimination), would it be characterized as a sex-biased behavior?
>
> If either of the conditions exist (sex-discrimination or sex-bias), what are some of the appropriate corrective and remedial steps which may be taken?

Athletics--Elementary School Case Examples

Case 1. This event is not only a violation of the Title IX regulation (in designating sex-segregated events in non-contact activities without specific skill criteria), but the different events clearly indicate sex-role stereotyping of appropriate events for girls and boys. If, in order to best serve the needs, interests and abilities of the students, it is necessary to group, objective standards (e.g., age, grade level, weight) should be used, not gender-based standards. All events should be the same and not designated as "boys" or "girls" activities.

Case 2. The Title IX regulation does not explicitly cover the interaction of teachers and students although differential treatment of students is prohibited. On the basis of the information provided, it is unlikely that there is a Title IX violation.

Sex bias is clearly evident in the comment of the colleague. It is not necessarily "manly" not to cry if the situation merits. It may be desirable to discourage the behavior, but it should not be done with gender-related comments. The colleague should be made aware of the stereotyped nature of her/his comment and its potential effect on students.

Case 3. The Pop Warner football league's activities would be covered as a consequence of the district's provision of a site, faculty advisor, and general support for the program. While it is clear that minority group members and males were allowed to try out for cheerleader, the criteria for selection are unknown.

It would be the responsibility of the principal to:

Determine that nondiscriminatory criteria were used in the try-out process

Advise faculty sponsors as to the requirements for nondiscrimination and the representation of all races and both sexes

Monitor the try-outs to confirm that they are being implemented in a nondiscriminatory manner, and

If the process was discriminatory, re-open the process after providing relevant information to faculty sponsors, league officials, and parents

Case 4. On the basis of the information given, a violation of the Title IX regulation cannot be shown. The mere usage or rental of school facilities by an outside organization has not been found to be "significant assistance". However, as a general rule, facilities should be available equally to males and females and teams of a voluntary nature should be open to participation by members of both sexes.

Case 5. National youth service groups such as the YMCA, YWCA, Boy Scouts, and Girl Scouts have been exempted from coverage by the Title IX regulation. If this is the only school involvement in the activity, allowing the YMCA to use the fields is not considered significant assistance to an organization. The school should, however, provide an equal access policy to facilities so as not to discriminate on the basis of sex.

Case 6. The race is not a violation of the Title IX regulation because it was not a sex-segregated event. The teacher's comment reflects either sex stereotyping or lack of knowledge regarding outstanding women track performers such as Wilma Rudolph.

Athletics--Secondary School Case Examples

Case 1. Football is a contact sport and sex-segregated teams are permitted under the Title IX regulation. Some effort, however, must be made to accommodate the interests and abilities of the female students. Possible alternative actions would be to establish female football or touch football teams in an intramural or interscholastic activity (if there were similar teams against whom they could compete); or the females could be encouraged to participate in other team sports such as field hockey, speedball, soccer, etc.

Case 2. While the processes followed for the selection of the golf team would appear to be nondiscriminatory, the results would indicate a violation of the Title IX regulation if no efforts were made to provide for the interests of females. Since there is significant interest on the part of females, the district should consider establishing a separate team for females.

Case 3. There is no violation of the Title IX regulation. Allowing boys on the team when the opportunities for females have been limited in the past would be a violation of the Title IX regulation. Since the boys are interested in volleyball, the school should consider the possibility of substituting volleyball for one of the competitive sports now offered for boys or be added as a mixed-sex offering in the intramural program.

Case 4. The equal division of available funds is not required by Title IX. If services provided are adequate and equitable, there need not be a dollar for dollar parity. Expenditures must be adequate to ensure comparable opportunities and to provide female and male athletes comparable equipment, facilities, and services.

Case 5. Adherence to this league regulation by the district would be a violation of the Title IX regulation. Teams in like sports must have like lengths of seasons, opportunities to play before an audience, and the same honors and awards.

Case 6. This would not be a violation unless the same condition did not apply to all male physical education teachers as well.

Case 7. The action implied by the student body president would be a violation of the Title IX regulation. He is implying that girls, who constitute a large portion of his student body, can support the boys' teams but that the student body, in turn, will not sponsor adequately the events planned for girls. While dollar-for-dollar parity is not required by law, the student body will have to rethink its financing policy and distribute their dollars in proportion to the interests of the students.

Case 8. The composition of the sports staff is not a violation of Title IX unless some policy or practice is operating to bar women from that position. The sports coverage, on the other hand, is a violation of the Title IX regulation. Efforts should be made to recognize and publicize the entire sports program. This may require positive counseling in order to attract women to the sports reporting assignments, in-service training for involved staff (e.g., newspaper advisors), and in-service training for the coaches of girls' teams so they will encourage coverage and provide the necessary facts to make the articles newsworthy.

Case 9. These awards would be a violation of the Title IX regulation. Awards for athletics made to students should be free from sex designation unless they reflect comparable awards for sex-segregated teams involved in the same sport. Thus, "male athlete" and "female athlete" of the year would be unacceptable, but outstanding rebounder for boys' basketball and a similar award for girls would be acceptable.

Case 10. This is clearly a violation of Title IX. Sally should be permitted to join and compete with the boys' swimming team, since swimming is a non-contact sport and there is not team for girls.

APPENDIX

D

"AN EQUAL CHANCE THROUGH TITLE IX:" AN ANALYSIS

(Note: The following are just some of the assumptions made by the film. The answers can help facilitate the discussion.)

1. What assumptions seemed to be made about students in the film? (e.g., kids naturally enjoy physical activity)

   All students deserve the opportunity to reach their full potential.

   Movement competence is essential to later physical development.

   Sports are appropriate for some and inappropriate for others (sex-linked).

   Competition teaches social lessons.

   Vigorous activity is needed for fitness.

   The demands of daily life make little distinction between men and women.

   Competitive athletics is for physically gifted students of both sexes.

2. What assumptions seemed to be made about physical activity programs in the film? (e.g., physical education programs are very important to the development of self-image).

   Many programs will have to change.

   Sound programming can be run on a sex-segregated basis.

   Sports require complex physical skill.

   Team teaching is desirable.

   Curriculum is not mandated in the law.

   Curriculum development is the right and the responsibility of the school.

   Lifetime fitness is a worthy goal.

   Everyone needs a healthy body.

3. What assumptions did you see being made about similarities of male and female students in the film?

   In primary school, boys and girls have traditionally been treated equally.

   Females and males can learn physical competence together.

   The range of ability is similar in males and females.

   Both females and males can learn to be good competitors.

   Both males and females desire to be physically fit.

4. What assumptions did you see being made about differences between male and female students in the film?

   Early in school boys and girls are assumed to have different interests and talents in school.

   Boys are active; girls are passive.

*American Alliance for Health, Physical Education and Recreation (AAHPER), 1201 Sixteenth Street, Washington, D.C. 20036

APPENDIX

E

COACH JAMES CASE: WORKSHEET RESPONSE TO ROBERT WELSH

1. The Title IX regulation requires that employers may not, on the basis of sex, make distinctions in the rates of pay for equal work. [86.54] If coaching positions are equivalent, no distinctions may be made on the basis of sex.

2. The contract language is clearly discriminatory on its face, in that salary distinctions are made on the sex of the athlete. Further information is therefore not needed for determining the legality of the contract language, but such information as the following would be useful in identifying alternative contract provisions:

   Descriptions of each coaching position in terms of responsibility

   Competencies required for different positions

   Criteria (and their legality) for establishing coaching salaries

   Projected athletics programs and budgets

3. Available alternatives include:

   Work with the teachers' association to change the terms of the agreement (contract)

   Develop criteria for determination of pay increments on the basis of factors other than sex (of either coach or athlete--e.g., performance, responsibility, etc.)

   Implement procedures necessary to equalize pay of coaches of male and female teams on the basis of the criteria developed (other than of coach or athlete)

   Revise athletics budget as required to accommodate salary changes

4. Each of the alternatives should be implemented.

COACH JAMES CASE: WORKSHEET RESPONSE TO ANN BROSH, ET AL

1. Agencies receiving funds are required to evaluate their total athletic program to determine whether or not it effectively accommodates the interests and abilities of members of both sexes. Factors which should be considered in the evaluation include the nature and extent of sports programs offered and their accommodation of the interests and abilities of females and males in both sports and the level of competition offered. [86.421]

2. Further information is needed regarding:

   The specific sports options and levels of competition currently being provided for males and females

   Any efforts made to assess the athletic interests of junior high females in the district, and the results of such efforts

   The feasibility of opening the male sports listed to females

3. Available alternatives include:

   Conducting and analyzing an inventory of the athletic interests of female and male students in interscholastic and intramural sports (if one has not already been completed)

   Deciding in conjunction with other school officials and staff the desired thrust of athletic programming (i.e., separate vs. mixed-team offerings)

   Reviewing plans, if any, for the expansion of female sports programs including timetables, sports, and financial projections

   Meeting with students to obtain greater information, to clarify district policy and plans, and to obtain their suggestions for program revisions.

4. Each of the alternatives should be implemented.

COACH JAMES CASE: WORKSHEET RESPONSE TO JEFFERY EVANS

1. The Title IX regulation requires, under the criteria for establishing equal opportunity in athletics, that "the opportunity to receive coaching..." not be based on the sex of the athlete. [86.41c-v]

2. The assignment pattern is clearly discriminatory against female athletes who wish to play interscholastic basketball at Hilltop High. Further information which would help Coach James make his decisions includes:

   Are there females who didn't try out for the team because of lack of coaching?

   What is the exact athlete-coach ratio for both male and female basketball teams?

   Are there staff members or qualified community members available to take on coaching responsibilities?

3. Available alternatives include:

   Initiating a policy that mandates equal athlete-coach ratios for all sports where both female and male teams are offered

   Making a survey to identify possible qualified staff persons who would be willing to take on basketball coaching responsibilities

   Establishing an ongoing in-service and internship program to help qualify staff for coaching positions, particularly female staff who have been discouraged in the past from gaining these skills

   Locating qualified, certified community members who would be willing to volunteer time and services

   Providing financial resources to carry out any policy/program changes.

4. Each of the alternatives should be implemented.

COACH JAMES CASE: WORKSHEET RESPONSE TO JACK RAMSEY

1. The Title IX regulation prohibits the provision of benefits or services to one sex while excluding the other sex. [_86.31_] The gift under the conditions stated in the letter would be such a benefit.

2. Further information is needed regarding:

   Would the Booster Club donate the gift if the sex restriction were ignored?

   Would the Booster Club allow the money to be used for another purpose?

3. Available alternatives include:

   Negotiate with the Booster Club to give the money as cash so that badly needed gymnastics equipment may be purchased for new female programs

   Negotiate with the Booster Club to lift its stated restriction regarding the use of the new equipment by females, by explaining the illegality of such a restriction and the need of weight training by all athletes regardless of their sex.

4. Each of the alternatives should be implemented.

WORKSHOP EVALUATION

Date _____ School District _____

DIRECTIONS: Complete and return to the workshop facilitator using the rating scale below that shows 1 as the lowest and 5 as the highest value.

___Female

___Male

Your role as a member of this workshop:

___Student

___Parent

___Teacher

___Special Services

___Administrator

Years of Age

___6-15

___16-20

___21-25

___26-30

___31-45

___46-above

		Low				High
1.	The workshop objectives were met:					
	a. Increased my understandings of Title IX regulations and its implications in athletics programs	1	2	3	4	5
	b. Increased my skills in identifying discriminatory or biased situations	1	2	3	4	5
	c. Provided an opportunity to examine my behavior as it relates to sex equity in athletics	1	2	3	4	5
	d. I was given an overview of the change process needed to attain sex equity in athletics programs	1	2	3	4	5
2.	There was enough time to get the information I needed.	1	2	3	4	5
3.	My feelings about implementing sex equity in the schools were changed or reaffirmed by this workshop.	1	2	3	4	5
4.	I believe a Title IX communications network is essential.	1	2	3	4	5
5.	I learned or relearned that others have some of the same concerns I have.	1	2	3	4	5
6.	I now feel more positive about choices that I may have and my own career goals.	1	2	3	4	5
7.	The workshop has made me feel more capable as a professional.	1	2	3	4	5
8.	The workshop has helped me to have more positive feelings about my work related interactions with members of the opposite sex.	1	2	3	4	5

9. Comments: _____

_____

_____

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AS ADOPTED BY THE COLORADO STATE BOARD OF EDUCATION

IMPROVEMENT OF BASIC SKILLS:

The Colorado Department of Education, through the accountability process and other proven methods, will help schools analyze and improve student skills in reading, writing, speaking, listening and mathematics.

IMPROVEMENT OF DISCIPLINE IN SCHOOLS:

The Department will assist schools to achieve a learning climate for improved student discipline to enhance the learning process.

IMPROVEMENT OF ORGANIZATION AND MANAGEMENT OF EDUCATION:

The Department will assist schools and libraries by coordinating and integrating state, local, and federal programs to strengthen their skills in research, evaluation, and planning, for effective use of financial and human resources.

IMPROVEMENT OF PUBLIC CONFIDENCE IN EDUCATION:

The Department will work with schools to improve public confidence in education through practical means including the state's accountability and accreditation processes and through increased involvement of the total community in the public school system.

IMPROVEMENT OF EQUALITY OF ACCESS TO INFORMATION:

The Department will identify and improve programs which assure equal access to information to help all Colorado citizens meet occupation, educational, and leisure time interests.

IMPROVEMENT OF LEADERSHIP AND STAFF DEVELOPMENT:

The Department will further efforts to strengthen leadership skills of all professional staffs in the Department of Education, schools, boards of cooperative services, and libraries and library systems through increased inservice programs planned and offered cooperatively with higher education and other appropriate organizations.

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